



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,927	10/13/2004	Eugene A Pankake	GPNG.P-002	5926
57380	7590	09/10/2007		
Oppedahl Patent Law Firm LLC P.O. BOX 4850 FRISCO, CO 80443-4850			EXAMINER LAMB, BRENDA A	
			ART UNIT 1734	PAPER NUMBER
			NOTIFICATION DATE 09/10/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/711,927	PANKAKE, EUGENE A	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brenda A. Lamb	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 6/23/2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 13-22,26-30 and 44-46 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13-22 and 26-30 is/are allowed.
- 6) Claim(s) 44-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

The terminal disclaimer filed 6/23/2007 is proper.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 44-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack proper antecedent basis: "the active nozzle" at line 6 of claim 44, at line 6 of claim 45 and at line 6 of claim 46; "the coating tank" at line 9 of claim 44, at line 9 of claim 45 and at line 9 of claim 46; "the return funnels" at line 10-11 of claim 46. Note applicant it is unclear in claims 44-46 how "the active nozzle" relates to the elongated nozzle set forth at lines 3-5 of the recited claims since the recited claims narrowly reads on the apparatus having only a single nozzle. Claim 45-46 is confusing since it is unclear how the alternate nozzle configuration set forth at the last two lines of the claims relates to the nozzle configuration set forth at lines 3-5 of the claims 45-46. The recitation that the nozzles are being rotated in claims 45-46 is confusing since applicant claims the nozzles consist of and are limited the following elements- a leading edge, metering surface and end seals- and none of these elements in of itself are rotatable rather the angle adjustment pin 3 as discussed at paragraph 0023 and 0050 which is part of the locking device associated with the nozzle which enables the nozzle to rotate.

Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madrak et al 5,948,477 in view of Sollinger et al 4,869,933.

Madراك et al teaches an apparatus comprising: nozzle for depositing coating on an application surface; a return trough or conduit or collector 4 for the active nozzle to collect undeposited coating back for recycling; a return funnel 5 for collecting undeposited coating from the return trough for return to the coating tank for recycling; and a locking system that provides direct and consistent locking of the return funnel to the return trough orientation for operating conditions wherein the locking system includes holding fixture 15 which supports funnel 5 and is attached to ridge support 11 which supports trough 4. Madراك et al teaches the dispenser or nozzle to be used in his apparatus can exist in numerous variations in combination with a separate spreading device. Madراك et al fails to teach the dispensing implement or nozzle includes a leading edge, metering surface and end seals. However, Sollinger et al teaches a dispensing or nozzle assembly used in combination with a downstream spreading device for applying coating onto a moving paper web. Sollinger et al dispensing or nozzle assembly includes a leading edge 2 and a metering assembly surface and end seals (see column 3 lines 8-30). Therefore, it would have been obvious to modify the Madراك et al apparatus by substituting its dispensing apparatus with another known dispensing or nozzle assembly used in combination with a downstream spreading device such as taught by Sollinger et al for the taught advantage of providing a controlled amount of coating on the web. With respect to claim 45, Madراك et al teaches an apparatus comprising: nozzle for depositing coating on an application surface; a return trough or conduit or collector 4 for the active nozzle to collect undeposited coating back for recycling; a return funnel 5 for collecting undeposited coating from the

return trough for return to the coating tank for recycling; and a system for opening or pivoting the return funnel away from the nozzle to permit clearance such that one can perform maintenance or switch out dispenser assembly or install an alternate nozzle assembly if desired (system includes holding fixture 15 which supports funnel 5 and is attached to ridge support 11 which supports trough 4 and pivots the funnel away from the nozzle). Madrak et al teaches the dispenser or nozzle to be used in his apparatus can exist in numerous variations in combination with a separate spreading device.

Madrak et al fails to teach the dispensing implement or nozzle includes a leading edge, metering surface and end seals. However, Sollinger et al teaches a dispensing or nozzle assembly used in combination with a downstream spreading device for applying coating onto a moving paper web. Sollinger et al dispensing or nozzle assembly includes a leading edge 2 and a metering assembly surface and end seals (see column 3 lines 8-30). Therefore, it would have been obvious to modify the Madrak et al apparatus by substituting its dispensing apparatus with another known dispensing or nozzle assembly used in combination with a downstream spreading device such as taught by Sollinger et al for the taught advantage of providing a controlled amount of coating on the web. With respect to claim 46, Madrak et al teaches an apparatus comprising: nozzle for depositing coating on an application surface; a return trough or conduit or collector 4 for the active nozzle to collect undeposited coating back for recycling; a return funnel 5 for collecting undeposited coating from the return trough for return to the coating tank for recycling; and system for holding the return funnel into proper orientation and pivoting the return funnel away from the nozzle to permit

clearance such that one can perform maintenance or switch out dispenser assembly or install an alternate nozzle assembly if desired (system includes holding fixture 15 which supports funnel 5 and is attached to ridge support 11 which supports trough 4 and pivots the funnel away from the nozzle). Madrak et al teaches the dispenser or nozzle to be used in his apparatus can exist in numerous variations in combination with a separate spreading device. Madrak et al fails to teach the dispensing implement or nozzle includes a leading edge, metering surface and end seals. However, Sollinger et al teaches a dispensing or nozzle assembly used in combination with a downstream spreading device for applying coating onto a moving paper web. Sollinger et al dispensing or nozzle assembly includes a leading edge 2 and a metering assembly surface and end seals (see column 3 lines 8-30). Therefore, it would have been obvious to modify the Madrak et al apparatus by substituting its dispensing apparatus with another known dispensing or nozzle assembly used in combination with a downstream spreading device such as taught by Sollinger et al for the taught advantage of providing a controlled amount of coating on the web.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claims 13-22 and 26-30 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday with alternate Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker, can be reached on (571) 272-1231. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brenda A. Lamb  
Examiner  
Art Unit 1734